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REMARKS

This Amendment is filed in response to the Office Action dated July 24, 2006. This Amendment is timely filed with a one-month extension of time which time period for response is set to expire on November 24, 2006. Reconsideration of this application is requested in view of the foregoing amendments and the following remarks.

Before this amendment, claims 3, 4, 6, 7, 9-12 and 16-21 were pending. Claim 3, 6, and 16-19 have been cancelled. Claims 4, 6, 20 and 21 have been amended. Thus, claims 4, 7, 9-12 and 20-21 are presently pending in the application.

Claims 20 and 21 have been amended. Claims 20 and 21 now recite polyquaternium-10 cationic polysaccharides. The one or more saccharides of claims 20 and 21 are selected from glucose and  $\alpha$ -methyl gluco-pyranoside in the D or L forms as amended. The transitional phrase "consisting essentially of" has been replaced with "comprising." Support for these amendments are found on page 6, paragraph 17. Further support is found in claim 1 as filed. No new matter is believed to be added by these amendments.

Claim Rejection 35 U.S.C. § 102

Claims 3-4, 6-7, 9-12 and 16-21 were rejected by the Examiner under 35 U.S.C. § 102(b) as being purportedly anticipated by US Patent 6,274,133 ("Hu"). Applicants respectfully assert that Hu does not teach the combination of a polyquaternium-10 and one or more saccharides selected from the group consisting of glucose and  $\alpha$ -methyl gluco-pyranoside in their D or L forms.

Based upon the foregoing, Applicants assert that the claims are both novel and inventive over Hu. Withdrawal of this rejection is respectfully requested.

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**Claim Rejection 35 U.S.C. § 112**

Claims 3-4, 6-7, 9-12 and 16-21 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner objected to the phrase "consisting essentially of." Applicants disagree with this rejection. However, for the sake of progressing prosecution, Applicants have amended the application to replace the "consisting essentially" language with "comprising."

Independent Claims 20 and 21 were rejected by the Examiner under 35 U.S.C. § 112 because the specification purportedly was not enabling the generic class of polysaccharides. Likewise, the Examiner objected to dependent claims 3, 4, 6, 7, 9-12, and 16-19. Applicants respectfully disagree with the Examiner's finding. However, for the sake of progressing prosecution, Applicants have amended Claims 20 and 21 to cover the combination of a polyquaternium-10 and one or more saccharides selected from the group consisting of glucose and  $\alpha$ -methyl glucopyranoside in their D or L forms.

Applicants assert that a person of ordinary skill in the art would reasonably believe that L-glucose would perform in a similar manner to D-glucose due to its structural similarity.

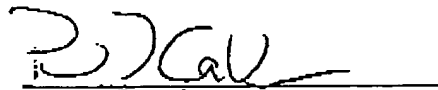
Likewise, L-methyl glucopyranoside will behave in the same manner as D- $\alpha$ -methyl glucopyranoside due to its structural similarity. Moreover, Polymer JR 125, Polymer JR 400, Polymer JR 30M, Polymer LR 400, Polymer LR 30 M and Polymer LK are all polyquaternium-10

structures and are defined as having the same disaccharide repeating units. The products may differ in chain length and quality grade, but have the same basic properties. Chain length and quality grade would not be expected to substantially impact the antimicrobial properties of polyquaternium-10 in the context of this invention. Applicants have attached Product Function Overview from the manufacturer of Polymer JR 125, Polymer JR 400, Polymer JR 30M, Polymer LR 400, Polymer LR 30 M and Polymer LK to illustrate the similarity of the properties of these polymers. Applicants assert that a person of ordinary skill in the art would recognize that the antimicrobial properties of any polyquaternium-10 polymer can reasonably be predicted from the data pertaining to Polymer JR.

Applicants believe these 112 rejections are now moot. Withdrawal of these rejections are respectfully requested.

In view of the foregoing arguments and amendments, Applicants believe that the application is in condition for allowance. An early and favorable action on the merits is solicited.

Respectfully submitted,



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## Products Functional Overview

**UCARE™ Polymer JR 30M****INCI Name: Polyquaternium-10****Selected Physical Properties**

1% solution viscosity: 1,000-2,500 cPs

1.5 – 2.2% nitrogen

**Functional Contributions**

- Cationic, water-soluble substantive conditioner for hair care and skin care products
- Nonirritating
- Compatible with a wide range of surfactants
- Exhibits non-Newtonian pseudoplastic properties
- Enables formulation of clear products
- Provides film formation and moisturization
- Controls the deposition of insoluble actives

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## Products Functional Overview

**UCARE™ Polymer LR 30M**

INCI Name: Polyquaternium-10

## Selected Physical Properties

Dry product, 95% minimum  
through 20 mesh1% solution viscosity: 1,250 –  
2,250 cPs

0.8 – 1.1% nitrogen

## Functional Contributions

- Cationic, water-soluble substantive conditioner for hair care and skin care products
- Nonirritating
- Compatible with a wide range of surfactants
- Exhibits non-Newtonian pseudoplastic properties
- Enables formulation of clear products
- Provides film formation and moisturization
- Controls the deposition of insoluble actives

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## Products Functional Overview

### UCARE™ Polymer JR 400

INCI Name: Polyquaternium-10

#### Selected Physical Properties

Dry product, 95% minimum  
through 20 mesh

2% solution viscosity: 300-500  
cPs

1.5 – 2.2% nitrogen

#### Functional Contributions

- Cationic, water-soluble substantive conditioner for hair care and skin care products
- Nonirritating
- Compatible with a wide range of surfactants
- Exhibits non-Newtonian pseudoplastic properties
- Enables formulation of clear products
- Provides film formation and moisturization
- Controls the deposition of insoluble actives

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## Products Functional Overview

**UCARE™ Polymer LR 400****INCI Name: Polyquaternium-10****Selected Physical Properties**Dry product, 95% minimum  
through 20 mesh2% solution viscosity: 300-500  
cPs

0.8 – 1.1% nitrogen

**Functional Contributions**

- Cationic, water-soluble substantive conditioner for hair care and skin care products
- Nonirritating
- Compatible with a wide range of surfactants
- Exhibits non-Newtonian pseudoplastic properties
- Enables formulation of clear products
- Provides film formation and moisturization
- Controls the deposition of insoluble actives

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## Products Functional Overview

### UCARE™ Polymer JR 125

INCI Name: Polyquaternium-10

#### Selected Physical Properties

Dry product, 95% minimum  
through 20 mesh

2% solution viscosity: 75-125  
cPs

1.5 – 2.2% nitrogen

#### Functional Contributions

- Cationic, water-soluble substantive conditioner for hair care and skin care products
- Nonirritating; compatible with a wide range of surfactants
- Exhibits non-Newtonian pseudoplastic properties
- Enables formulation of clear products
- Provides film formation and moisturization

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## Products Functional Overview

**UCARE™ Polymer LK****INCI Name: Polyquaternium-10****Selected Physical Properties**Dry product, 95% minimum  
through 20 mesh2% solution viscosity: 300-500  
cPs

0.8 – 1.1% nitrogen

**Functional Contributions**

- Cationic, water-soluble substantive conditioner for hair care and skin care products
- Lower cationic substantivity is ideal for daily use conditioning shampoos
- Nonirritating
- Compatible with a wide range of surfactants
- Exhibits non-Newtonian pseudoplastic properties
- Enables formulation of clear products
- Provides film formation and moisturization

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